

M E M O R A N D U M

Date: August 16, 2005
To: Transfer 72201 File
From: Corey Skinner
Re: Evaluation of Sufficiency of Information Submitted

Application proposes changing the place of use of a 0.03 cfs water right (decreed in SRBA at 0.033cfs) from Garden Creek by removing the right from BLM land and making it appurtenant to the applicants land. The current authorized location for the point of diversion will also be changed from BLM land to two new locations (one on each side of creek) approximately 200 feet upstream to locations on the applicants land. The properties involved with the application are located along the south side of Garden Creek Road approximately 3.6 miles west and 0.67 miles south of the Garden Creek Road and Highway 93 intersection in Challis. The BLM has agreed to the proposed transfer, see letter from Fred Price of BLM, in the transfer file. The intent of the transfer is that once the applicant has moved the point of diversion and place of use from BLM land, she will own the water right.

- **Authority to File:**
IDWR records show the BLM is the current owner of the right. The BLM has already deeded a portion (appurtenant to Lot 2) of the right to the applicant. Letter from Fred Price of BLM indicates that all of the right will be the applicants if she can successfully move it to her land.
- **Water Right Validity:**
The right involved with the transfer has been recently decreed in the SRBA.
- **Injury to Other Water Rights:**
None anticipated. The purpose of the proposed move in diversion upstream is to remove the diversion from BLM land and put it on the applicants land. There are no diversions located between the decreed location and the proposed location(s). In addition, the SRBA decreed location (from GIS) may, or may not, be entirely accurate due to rectification issues with different aerial photos.
- **Enlargement of Use:**
None anticipated. Right will be limited to decreed amount(s).
- **Local Public Interest:**
No issues anticipated. Application will be subject to public notice and protest. BLM is assisting in the application.
- **Beneficial Use/Conservation of Water Resources:**
Proposed use (irrigation) is recognized as a beneficial use of water.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.